

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR09-290 MJP

Plaintiff,

ORDER ON MOTION TO RESCIND
ORDER DENYING REDUCTION IN
SENTENCE PURSUANT TO 18
U.S.C. § 3582

V.

Defendant.

THIS MATTER comes before the Court on Defendant Jeron Hanson's Motion

Requesting District Court to Rescind its Order Denying Defendant's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582 and Motion for Leave to File a Traverse to Government's Response in Opposition to Reduce Sentence Pursuant to 18 U.S.C. § 3582 and Defendant's Motion to Dismiss Government's Response to those motions. (Dkt. Nos. 34, 36.) Having reviewed the parties' briefing and all related papers, the Court hereby DENIES the motions.

Defendant ask the Court to “rescind” or reconsider its Order denying a reduction in sentence, which was based on the policy statement of the Sentencing Commission precluding any reduction in sentence where the previous sentence was below the low end of the new

ORDER ON MOTION TO RESCIND ORDER
DENYING REDUCTION IN SENTENCE
PURSUANT TO 18 U.S.C. § 3582-1

1 Sentencing Guidelines Range. (See Order, Dkt. No. 33.) Defendant argues his original
2 sentencing range was misstated and so the policy statement does not preclude a reduction of his
3 sentence. Defendant is incorrect; the Court calculated his Offense Level as 31, not 29. The
4 Motion to Rescind is therefore DENIED. Because the Court fully considered the arguments
5 contained within the section Defendant labeled the “traverse” or reply, the Court considers
6 Defendant’s Motion for leave to file such a traverse MOOT.

7 Defendant's request to dismiss or strike the Government's response to his Motion to
8 Rescind on the basis that he is entitled to file a reply or traverse in support of his Motion to
9 Rescind is DENIED. The Court invited the Government to file a response but did not require a
10 reply from Defendant because the issues were straightforward and there is no due process right
11 to file a reply in support of a postjudgment motion for reconsideration.

13 The clerk is ordered to provide copies of this order to Defendant and all counsel.

14 Dated this 6th day of August, 2015.

Wassily Kandinsky

Marsha J. Pechman
Chief United States District Judge